

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SOCIAL WELFARE DEPARTMENT - Sanction of Post Matric Scholarships to Management Quota seats to SC students pursuing Degree Courses on par with the rates given to Nizam's Institute of Medical Sciences (NIMS) i.e., 2½ times of Government Quota rates be applied to Other Para Medical Colleges up to the academic year 2009-10 only – Orders – Issued

SOCIAL WELFARE (EDN.2) DEPARTMENT

G.O.Ms.No. 106

Dated:04-11-2009.

Read the following:-

1. G.O.Ms.No.145, HM & FW (M2) Department, dated 18-05-1998.
2. G.O.Ms.No.90, SW (Edn.2) Department, dated 30-07-2002.
3. Govt.Memo.No.392/SW.Edn.2/2003-1, dated 23-01-2003.
4. G.O.Ms.No.4, SW (Edn.2) Department, dated 06-01-2005.
5. G.O.Ms.NO.5, SW (Edn.2) Department, dated 12-01-2005.
6. Govt.Memo No.12901/SW.Edn.2/2003-9, dated 1-05-2005.
7. Circular Memo.No.12901/SW.Edn.2/2003-14, dated 30.06.2006.
8. G.O.Ms.No.299, H.M & F.W (K2) Dept., dated 8-09-2007.
9. G.O.Ms.No.19, SW (Edn.2) Department, dated 8.2.2008.
10. Undertaking given by the Office Bearers of Para Medical Institutions dated 18.06.2009.
11. Commissioner of Social Welfare, A.P., Hyderabad, letter Rc.No.D1/10678/2008, dated 27.06.2009.

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ORDER:

In the G.O 1st read above, Government in HM & FW Department have fixed the fee structure for B.Sc (Nursing) at a maximum of Rs.1000/- p.m., per head for free seat; and in respect of management seat the fee shall not be more than (five) times the fee applicable for free seat. In the G.O. 2nd read above, orders have been issued detailing the procedure for sanction, drawal and disbursement of scholarships to SC/ST/BC students. It is the practice of Government to sanction tuition fee reimbursement to only free quota seats or convenor seats. Government did not have any policy or practice to sanction tuition fee reimbursement to management quota seats in any of the courses. However, in the Memo 3rd read above, instructions were issued limiting reimbursement of tuition fee to Rs.1000/- per month for Nursing degree courses and Rs.500/- per month for MPHWS (F) course for both free and management seats as a matter of special consideration to SC students.

2. Subsequently, the Students Association of College Medical Technology, Ongole, have filed WPs. No. 8223/2003 and 8224/2003 challenging the above memo 3rd read above. The Hon'ble High Court set aside the memo 3rd read above, while instructing the Government to issue fresh orders, after giving notice to the petitioners in orders dated 31-08-2004. The above orders of the Hon'ble High Court were not followed within the time limit of two months, as a result, the petitioners filed Contempt Case No.1465/04 and Contempt Case No.1466/04 before the Hon'ble High Court in which the Hon'ble High Court directed the respondents to show cause for failing to implement the orders of the Hon'ble High Court.

3. With a view to implement the orders of the Hon'ble Court and also keeping in view the G.O.Ms.No.90, SW (Edn.2) Deptt., dated 30-07-2002. The Social Welfare Department in Government have erroneously i.e., without taking into consideration, the financial implications and without consulting Finance Department (such consultation is a must as per Business rules of Government) have issued G.O 4th read above, sanctioning tuition fee and special fee for the SC students of Para Medical Courses as fixed by the H.M & F.W (K2) Department, i.e., @ 5 times the

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free quota seat rate for Management quota seats, and directed to follow strictly the procedures for sanction of scholarships to eligible SC students as per the G.O.Ms.No.90, SW (Edn.2) Deptt., dated 30-07-2002.

4. Subsequently, Government in the reference 6th read above, while noting that there are alleged fraudulent claims in the sanction of scholarships to SC students of Paramedical colleges under free quota and management quota, have requested the Commissioner of Social Welfare to stop payment of scholarship dues claimed by the Private Para Medical Institutions with immediate effect until further orders in the matter. Subsequently, Government in the reference 7th read above, revised the orders to release post matric scholarships even for Management quota seats in the Paramedical institutions as per the free seat rate only pending revision of the fee structure for Para Medical Courses by the HM & FW Department.

5. Due to non sanction of Post Matric Scholarships to the SC students, for management quota seats at the rates fixed by Medical Health & FW Department, many W.Ps/Contempt Cases are filed for payment of balance tuition fee under management quota seats and other fees. In one of them the Hon'ble High Court in its judgment dated 8.7.2008, in WP No.9178/2008 struck down the Circular Memo issued in the reference 7th read above, that limited the tuition fee reimbursement at Government quota seats only.

6. When the matter was posed to Advocate General, for withdrawing the G.O.Ms.No.4, SW (Edn.2) Deptt., dt.6.1.2005, the Advocate General has stated that it is certainly open for the Govt. to withdraw G.O.Ms.No.4, and issue fresh orders, but such orders will have to be issued in compliance with the Judgement of the Hon'ble Supreme Court in P.A Inamdar's case based on which G.O.Ms.No.299, HW & FW (K2) Deptt., dt.8.9.2007 was issued. Further in accordance with the judgement of the High Court dated 31.08.2004 in W.P Nos.8223/2003 and 8224/2003, the petitioners therein namely SC students Association must be heard and speaking orders have to be passed, before reviewing the G.O.Ms.No.4, Social Welfare (Edn.2) Department, dated 6.1.2005.

7. The Commissioner (SW) in the letter 11th read above, has informed that the Office Bearers of Associations of Para Medical Institutions MPHWS (F) Training, G.N.M., Nursing, B.Sc (Nursing), B.P.T., B.Sc., (MLT), D.M.L.T etc., Colleges working in the State have attended the meeting in the chambers of Hon'ble Minister for Social Welfare on 18.6.2009 to discuss the issue relating to payment of tuition fees for Management Quota seats in respect of SC students admitted into various courses from the year 2002-2003 to 2008-2009. Further informed that in the meeting, the Para Medical Institutes Associations pleaded for common fee so as to avoid confusion and volunteered to abide by the decision of the Government in this regard. Similar negotiations were also held by the Minister for Medical Education. In the reference 10th read above, the Para Medical Institutes Associations have requested the Hon'ble Minister for Social Welfare for reimbursement of tuition fee for management quota seats @ 3 times of free seat rate for Degree Courses. The Paramedical Institutes Association further undertook to abide by whatever is the decision taken by Honorable Chief Minister in this regard, i.e., the rates of tuition fee reimbursement for Para Medical Courses. The Commissioner of Social Welfare while informing about the Undertaking given by the Para Medical Institutes Associations has also submitted the financial implications involved due to the orders issued in the G.O.4th read above, in respect of Para Medical Degree Courses such as B.Sc (Nursing), B.P.T and B.Sc., (MLT) up to 2005-06 and also for the years 2006-07 to 2008-09 @ 3 times the fee applicable to the free seat. The Para Medical Institutions Managements have filed a number of writ petitions in the Hon'ble Court for payment of tuition fee @ 5 times that of free quota seats to Management Quota seats for Degree Level Para Medical Courses. The writ petitions are still pending in the Hon'ble High Court. Therefore it is decided to consider the request of the Associations provided they arrange for withdrawal of all the writ petitions filed in

the Hon'ble High Court to avoid further litigation in future keeping in view of their undertaking given to Government.

8. After careful examination, Government hereby decide to reimburse tuition fee to Para Medical Colleges offering degree courses in respect of Management quota seats by implementing the orders issued vide G.O 4th read above but by limiting to 2 ½ times the Government Quota rates which are on par with the rates awarded to Nizam's Institute of Medical Sciences (NIMS) in G.O 9th read above. These orders shall be implemented subject to withdrawal of all court cases in the matter and to limit such reimbursement up to the academic year 2009-10 only pending review of the policy.

9. This order issues with the concurrence of Finance (Expr.SW) Department vide their U.O.No.11116/341/A1/ESW/2009, dated 03-10-2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. SUBRAHMANYAM,
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Commissioner of Social Welfare, A.P., Hyderabad.
The Commissioner, A.P.Vaidhya Vidhana Parishad, Hyderabad.
The Registrar, A.P. Nursing Midwaives Council, Koti, Hyderabad.
The Registrar, N.T.R. University of Health Sciences, Vijayawada.
All the Heads of the Departments under the control of Health Medical &
Family Welfare Department.
All District Collectors in the State.
All District Medical and Health Officers in the State.
All the Superintendents of Government Teaching Hospitals in the State.
All the Superintendents of Government District Head Quarters Hospitals in the
State.
All the Deputy Directors of Social Welfare in the State.
The Secretary, Indian Nursing Council, Combined Council Buildings, Kotla Road,
Temple Lane, New Delhi – 110002.
The President, Nursing Institutions Management Association of A.P
(both Schools and Colleges), Hyderabad.
Copy to the Finance (Expr.SW) Department.
Copy to Commissioner of Tribal Welfare, A.P., Hyderabad.
Copy to the P.S. to Principal Secretary to C.M.
Copy to the P.S. to Prl. Secy. HM & FW Deptt.
Copy to the P.S. to Prl.Secy. (SW).
Copy to G.A (Cabinet) Department.
Sf/Sc.

//FORWARDED::BY ORDER//

SECTION OFFICER.